



Mid-Atlantic Fishery Management Council

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MEMORANDUM

Date: January 28, 2022
To: Council
From: Julia Beaty, staff
Subject: 2022 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass

Background and Meeting Objective

In December 2021, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) jointly adopted recommendations for 2022 recreational management measures for summer flounder, scup, and black sea bass. Their recommendations for each species are briefly summarized in the following sections.

On January 25, 2022, the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) met to consider the approach for setting state/regional management measures in 2022. The Council could not meet jointly with the Board during this meeting as there was not sufficient time to submit a meeting agenda to the Federal Register 23 days in advance, as required.

As described in more detail below, the Board's January 2022 recommendation for black sea bass differs from that approved jointly with the Council in December 2021. Therefore, on February 8, 2022, the Council will consider revising their previous recommendation for black sea bass to allow for consistency in the approach for state and federal waters. Revisions to the Council's previous recommendations for summer flounder and scup are not necessary as the Board does not intend to deviate from the previously approved approach for those species.

Black Sea Bass

In December 2021, the Council and the Board jointly approved a 28% reduction in coastwide black sea bass harvest compared to average 2018-2021 harvest. This reduction was deemed necessary to prevent exceeding the 2022 recreational harvest limit (RHL). They also jointly agreed to use the conservation equivalency process to waive federal waters measures and allow states to work together as regions to develop measures to collectively reduce harvest to prevent an overage of the 2022 RHL.

As part of approving conservation equivalency for 2022, the Council and Board also approved non-preferred coastwide measures consisting of a 14-inch minimum size limit, a 5 fish possession limit, and an open season of May 15-September 21. These measures are intended to be waived in favor of regional measures which would collectively prevent an RHL overage. The

Council and Board also agreed to precautionary default measures consisting of a 16-inch minimum size, a 3 fish possession limit, and an open season of June 24-December 31. These measures are intended to be implemented in any state or region that does not put forward a proposal that can be approved by the Board through the conservation equivalency process.

The Commission's Summer Flounder, Scup, and Black Sea Bass Technical Committee (TC) met several times in January 2022 to develop an agreed upon methodology for states to use when developing regional proposals for recreational black sea bass measures. The TC considered methodologies for identifying and smoothing outlier harvest estimates. They identified over 30 outliers at the state, wave, mode, and year level for black sea bass during 2018-2021. The TC is having ongoing conversations on the most appropriate method for smoothing those outliers. Depending on the final method recommended by the TC, the resulting percentage reduction to prevent an RHL overage may be less than the 28% recommended by the Council and Board in December 2021. The 28% reduction was based on 2018-2021 average harvest, with no adjustments for outliers and with the 2021 value projected at the coastwide level based on preliminary wave 1-4 harvest.

On January 25, 2022, the Board passed the following motion:

Move to rescind the December 2021 black sea bass recreational management motion and move to adopt conservation equivalency for 2022 black sea bass recreational management, with a reduction in harvest specified to achieve the coastwide 2022 RHL. A 28 percent reduction will be required unless additional analyses conducted by the Technical Committee examining the MRIP data, including an outlier analysis and incorporation of the updated 2021 data as presented today, result in a modified percentage. Non-preferred coastwide measures are: 14-inch minimum size, 5 fish possession limit, and open season of May 15-September 21. Precautionary default measures are: 16-inch minimum size, 3 fish possession limit, and open season of June 24-December 31. If the percent reduction is changed the precautionary default and coastwide measures will be adjusted to be consistent with the required adjustment.

The Board tasked the TC with continuing to develop the methodology to smooth outlier harvest estimates. The TC will provide additional recommendations to the Board in early February. After reviewing these recommendations, the Board will vote over email on the final percent reduction in black sea bass harvest needed for 2022. The timing of the Board vote has not been determined but it is anticipated to occur prior to the February 8, 2022 Council meeting. This will allow the Council to determine the appropriate action to allow for consistency in the approach in state and federal waters in 2022. Additional information on the final TC and Board recommendations will be provided during the February 8, 2022 Council meeting.

Scup

In December 2021, the Council and Board jointly agreed to increase the scup recreational minimum size limit by one inch in state and federal waters in 2022. In federal waters, this results in a 10-inch minimum size. In state waters, this one-inch increase would be applied to each state's measures, which vary by state and mode. Collectively, this change in state and federal waters was expected to achieve an approximate 33% reduction in harvest compared to the 2019-2021 average. The Council and Board acknowledged that this is less than the estimated 56% reduction needed to fully constrain harvest to the 2022 RHL; however, they agreed that 33% was

an appropriate level of reduction given the negative socioeconomic impacts of the full 56% reduction and the current high biomass level. The 56% reduction was based on a comparison of the 2022 RHL to 2019-2021 average harvest, with the 2021 value projected at the coastwide level based on preliminary wave 1-4 estimated harvest. The 2019-2021 average harvest for Massachusetts wave 1-4 was used in place of the 2021 wave 1-4 preliminary estimate due to anomalously high harvest values largely influenced by a single intercept.

NOAA Fisheries indicated that because the one-inch size limit increase is not expected to prevent an RHL overage, they may be required to close federal waters to recreational scup fishing in 2022. A federal waters closure would be expected to have a very small impact on total recreational scup harvest given the low contribution of federal waters to total recreational scup harvest (e.g., 6% on average during 2016-2020).

During their January 25, 2022 meeting, the Board did not modify their previous recommendation for a one-inch minimum size increase in all states. However, they tasked the TC with performing a similar outlier identification and smoothing analysis for scup as the TC is undertaking for black sea bass. The goal is to determine if an outlier analysis could provide justification for leaving federal waters open to recreational scup fishing in 2022, while maintaining the one-inch increase in the minimum size limit in state and federal waters.

No additional Council action is needed regarding 2022 recreational management measures for scup.

Summer Flounder

In December 2021, the Council and Board jointly agreed to continue using regional conservation equivalency for summer flounder in 2022 to achieve, but not exceed, the 2022 RHL. The Council and Board recommended allowing for up to a 16.5% liberalization of state or regional measures. They also approved non-preferred coastwide measures consisting of a 4-fish possession limit, an 18.5-inch total length minimum size, and an open season of May 15 – September 15. These measures will be waived in favor of state regulations if conservation equivalency is approved by NOAA Fisheries. The Council and Board made no changes to the current precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which would be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

On January 25, 2022, the Board approved the TC's recommended methodology for regions to use when developing summer flounder conservation equivalency proposals. The approved approach does not conflict with the December 2021 Council and Board decision; therefore, no additional Council action is needed for 2022 recreational summer flounder measures.